

Appn. No. 10/814,989

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Attorney Docket No. 8627-372
Client Reference No. PA-5270-CIP**II. Remarks**

Claims 1-22 are rejected and pending. With the remarks provided herewith, the Applicants respectfully request reconsideration and a withdrawal of all the rejections to the claims of the present application.

Claim Rejections - 35 U.S.C. §103(a)

Responsive to the rejections of claims 1-11 under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,944,728 to Bates (*Bates '728*) in view of U.S. Patent No. 5,788,710 to Bates et al (*Bates '710*), the combination fails to teach or suggest each and every element of independent claim 1. For example, claim 1 recites that the actuation section includes "a retraction mechanism that biases the actuation section and hence the grasping portion towards a retracted state." The biased retraction mechanism of the claimed invention reduces physician fatigue since the physician need only exert an actuation force when an item is to be grasped by the grasping portion. The physician need not apply any force to retract the grasping portion because the biased retraction system acts as a resistive feed-back force. See specification of the present application, paragraph [0046].

The combination fails to teach an actuation section with a retraction mechanism that biases the actuation section and the grasping portion towards a retracted state as claimed in the present application. As the Examiner stated in the Office Action, *Bates '728* fails to teach an actuation section with a retraction mechanism that biases the actuation section and the grasping portion towards a retracted state as claimed by the applicants. Moreover, *Bates '710* discloses a device that requires repetitive actuation of the trigger to retract the grasping device into the sheath, and is absent any suggestion of an actuation section with "a



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retraction mechanism that biases the actuation section and hence the grasping portion towards a retracted state" as claimed in the present application. *Bates* '710 merely teaches a trigger 32 used to retract the handle rod 42 and the basket 18 into the sheath 20, whereby "actuating the trigger 32 a number of times, the basket 18 is pulled further into the sheath 20." *Bates* '710, col. 4, lines 55-67 to col. 5, lines 2-5. Contrary to the biased retraction mechanism of the claimed invention, the device taught in *Bates* '710 requires a physician to manually actuate the trigger and retract the grasping portion into the sheath. The actuation section with a biased retraction mechanism recited in claim 1 is not taught or suggested by the combination of *Bates* '710 and *Bates* '728. Thus, claim 1 is not rendered obvious by such combination.

Since claims 2-11 depend generally from claim 1, claims 2-11 are allowable for the reasons provided above.

Claims 12-22 have been rejected under 35 U.S.C. 103(a) as being unpatentable over *Bates* '728 in view of *Bates* '710 and U.S. Patent No. 5,098,440 to *Hillstead* (*Hillstead* '440). Since claims 12-22 depend generally from claim 1, claims 12-22 are allowable for the reasons provided above.



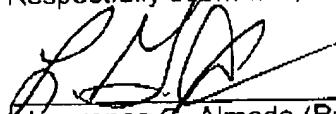
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Conclusion

Claims 1-22 are in a condition for allowance and such action is earnestly solicited.

Respectfully submitted,



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Date

